



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SMC  
Docket No: 03754-99  
30 September 1999

SGT [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear Sergeant [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

It is noted that the Commandant of the Marine Corps (CMC) had directed filing a memorandum to show item 17a (commendatory) of the contested fitness report for 4 July 1997 to 15 February 1998 should have been marked "Yes" in light of commendatory material you received during the reporting period.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 September 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 7 June 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. In view of the above, your application for relief beyond that effected by CMC has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

3754-99

IN REPLY REFER TO:  
1610

MMER/PERB

JUN - 7 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF  
SERGEANT [REDACTED] USMC

Ref: (a) Sergeant [REDACTED] Form 149 of 29 Mar 99  
(b) MCO P1610.7D w/Ch 1-4

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 2 June 1999 to consider Sergeant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 970704 to 980215 (TR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends the report is substantially inaccurate and not a true reflection of his performance during the stated period. To support his appeal, the petitioner directs the Board's attention to his official statement of rebuttal and furnishes copies of an assignment letter and two letters of appreciation.

3. In its proceedings, the PERB concluded that, with one minor exception, the report is both administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. Based on the documentation furnished at enclosures (4) and (5) to reference (a), the Board finds that Item 17a (commendatory) of the challenged fitness report should have been marked "yes." Corresponding comments should have also been included in the Section C narrative. The Board does not, however, believe this minor oversight invalidates the entire report and has directed the preparation and insertion of an appropriately worded Memorandum for the Record into the petitioner's Official Military Personnel File documenting the necessary corrections (this method of correction has been utilized to preclude the loss of legibility in correcting the fitness report itself). In addition, the petitioner's Master Brief Sheet will be modified accordingly.

b. In answer to the petitioner's rebuttal, the Reviewing Officer [REDACTED] resolved and adjudicated all of his concerns and disagreement (albeit in favor of the Reporting

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF  
SERGEANT [REDACTED] USMC

Senior) and concluded the report was both fair and accurate. Simply stated, the petitioner's continuing disagreement and disgruntlement with the evaluation is simply no basis for the Board to doubt its validity. To this end, the Board finds the petitioner has failed to meet the burden of proof necessary to establish the existence of either an error or an injustice.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report should remain a part of Sergeant [REDACTED]'s official military record. The limited corrective action identified in subparagraph 3a is considered sufficient.

5. The case is forwarded for final action.

[REDACTED]  
Chairperson, Performance  
Evaluation Review Board  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps